

FILED & ENTERED

JAN 18 2023

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY bolte DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re:

Ernest Mikhail Alfon

Debtor(s).

Case No.: 8:21-bk-11483-SC

CHAPTER 7

Adv No: 8:21-ap-01084-SC

**ORDER: (1) REGARDING STIPULATION TO  
DISCOVERY DISPUTE [DK. 62]; (2)  
REGARDING PLAINTIFF'S MOTION TO  
COMPEL FURTHER RESPONSES TO  
FIRST SET OF SPECIAL  
INTERROGATORIES PROPOUNDED TO  
DEFENDANT ERNEST MIKHALF ALFON  
AND REQUEST FOR SANCTIONS [DK. 61];  
(3) VACATING HEARING**

**Hearing to be Vacated**

Date: January 23, 2023

Time: 9:30 AM

Courtroom: 5C

Onsite Nurse Concierge, LLC

Plaintiff(s),

v.

Ernest Mikhail Alfon

Defendant(s).

1 The Court, having considered the Stipulation and Plaintiff's Motion To Compel  
2 Further Responses To First Set Of Special Interrogatories Propounded To Defendant  
3 Ernest Mikhalf Alfon And Request For Sanctions ("Motion") filed December 23, 2022  
4 [Dks. 62 and 61, respectively], and all related pleadings and the docket as a whole, and  
5 finding that this matter is appropriate for disposition without a hearing, finds good cause  
6 to DENY the Motion, REQUIRE the production of a verified supplemental response as  
7 amended herein, and VACATE the hearing.

8 **I. Background**

9 Plaintiff filed an adversary complaint on September 7, 2021, seeking the Court's  
10 determination that debt related to a judgment issued by the Orange County Superior  
11 Court in 2009 against Defendant and his stepfather (which debt now totals  
12 approximately \$1,300,000), for fraudulent behavior allegedly occurring in the years 2006  
13 and 2007, is non-dischargeable. Defendant filed an answer on October 18, 2021,  
14 asserting that Defendant, who was 19 years old at the time in question, was defrauded  
15 by his stepfather, who unbeknownst to Defendant was engaging in a myriad of  
16 fraudulent behavior, including the forging of Defendant's signature on false timecards,  
17 checks, and state court documents, among others.

18 On December 28, 2021, Plaintiff served Defendant with 28 special  
19 interrogatories. Defendant responded on January 19, 2022, including an allegedly  
20 improper prefatory statement<sup>1</sup>, incomplete responses, and frivolous boilerplate  
21 objections into each response. After multiple failed efforts to meet and confer,  
22 Defendant allegedly responded again with two separate supplemental responses, which  
23 contained objections as well as Defendant's responses to the requested  
24 interrogatories.<sup>2</sup> Plaintiff asserts that Defendant's supplemental responses remain  
25 deficient.

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27 <sup>1</sup> While this Court is well-versed in how to handle "prefatory statements," and boilerplate objections at  
28 trial, should the matters arise there, the Court need not opine on such topics here. Further, Defendant has  
agreed to remove the prefatory statement in his revised supplemental response.

<sup>2</sup> A full history of the facts of the interrogatories at issue in this case can be found in the relevant  
pleadings.

1 Plaintiff's Motion requests an order deeming all of Defendant's objections waived,  
2 compelling Defendant to produce supplemental responses to Special Interrogatories  
3 Nos. 3, 11, 12, 13, 14, and 18, and requiring Defendant and his attorney of record to  
4 pay monetary sanctions to Plaintiff.


5 **II. Ruling**

6 Though the Court is particularly troubled by the mutual lack of cooperation<sup>3</sup> and  
7 tone of the communications between counsels, Plaintiff has not met its burden in  
8 demonstrating that the relief requested is warranted; however, the Court notes that the  
9 Defendant has conceded to various revisions which should be provided in a succinct  
10 and verified format. Accordingly, the Court enters the following order:

- 11 1. The Motion is DENIED.  
12 2. Defendant is required to submit a verified supplemental response to Plaintiff  
13 which does not contain the objected to "prefatory statement" or other  
14 objections conceded by Defendant in the stipulation and other related  
15 pleadings by January 31, 2023.

16 IT IS SO ORDERED.  
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25 Date: January 18, 2023

  
Scott C. Clarkson  
United States Bankruptcy Judge

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<sup>3</sup> Plaintiff's refusal to schedule the deposition of Defendant is particularly confusing to this Court.